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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

***SECOND APPEAL NO. 510 OF 2016
with
CIVIL APPLICATION NO. 1041 OF 2016***

Bhimrao Mahadev Yalapale. ... Appellant/Applicant.

V/s.

Suman Bhimrao Yalapale. ... Respondent.

Mr. Machhindra Patil for the Appellant/Applicant.
None for the Respondent.

CORAM : N.M. Jamdar, J.

28 July, 2016.

Oral Order :-

The Appellant – husband challenges the concurrent judgments and orders passed by the Civil Judge, Junior Division, Sangola and District Judge, Pandharpur allowing the application filed by the Respondent – wife for maintenance and granting her Rs.1,500/- per month and dismissing the Appeal filed by the Appellant – husband.

2. The learned Counsel for the Appellant firstly submitted that the Respondent – wife had approached the learned Judicial Magistrate, Karad for grant of monthly maintenance under Section 125 of the Criminal Procedure Code, which was granted and therefore, the second proceedings for maintenance should not have been entertained. This submission cannot be accepted. The learned Magistrate had granted monthly maintenance of Rs.80/-, which in real terms today has extremely little value for subsistence.

3. The learned Counsel then submitted that the financial condition of the Appellant is not sound and the Appellant is a senior citizen. This submission also cannot be accepted. The amount of Rs.1,500/- is granted by the learned Civil Judge in the year 2007 and by passage of time and rise in cost of living, this amount itself stands reduced for daily sustenance. No question of law arises. The Second Appeal is dismissed. The Civil Application stands disposed of accordingly.

(N.M. Jamdar, J.)